

Notice of Allowability	Application No.	Applicant(s)	
	10/675,610	PIENKNAGURA, CARLA ROSA	
	Examiner	Art Unit	
	Glenn K. Dawson	3731	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12-26-2006.
2. ☒ The allowed claim(s) is/are 1-3 and 5-31, renumbered 1-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. <input type="checkbox"/> Notice of References Cited (PTO-892) 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | <ol style="list-style-type: none"> 5. <input type="checkbox"/> Notice of Informal Patent Application 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>02-23-2007</u>. 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance 9. <input type="checkbox"/> Other _____ |
|---|---|

EXAMINER'S AMENDMENT

An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 02-23-2007, Gunther Hanke requested an extension of time for 1 MONTH(S) and authorized the Director to charge Deposit Account No. 06-2425 the required fee of \$120.00 for this extension and authorized the following examiner's amendment. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

The following changes to the drawings have been approved by the examiner and agreed upon by applicant: fig. 13 needs to be changed to reflect that the ends of the stent are spaced from the shoulder of the balloon by distance L3. L3 is not the distance from the stent ends to the location where the balloon contacts the catheter body. In order to avoid abandonment of the application, applicant must make these above agreed upon drawing changes.

In claim 20 line 1, "1" has been changed to --7--.

In claim 21 line 1, "of the" has been changed to --of one--.

In claim 29 line 2, "t(Original) he" has been changed to --the--.

The above changes are made to correct indefiniteness.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: the prior art does not disclose or fairly suggest a stent having a plurality of interconnected cylindrical rings; a distal end ring (and a proximal end ring) having a plurality of 1st and 2nd peaks defining apertures between them; wherein the interconnection of the rings and the arrangement of the peaks cause the stent to increase in length upon expansion in stent diameter. It also fails to disclose or fairly suggest a balloon catheter with a mounted stent, wherein the stent has the same rings, apertures and interconnection as stated above, plus the balloon has a shoulder, wherein the stent to shoulder distance when the balloon is unexpanded is positive and the distance is negative when the balloon is expanded, meaning the stent end is spaced inside of the balloon shoulders when compressed, and lengthens so that the stent ends are located outside of the balloon shoulders. There is no suggestion to modify the stents of Burgermeister with that of Fischell. And even if there were, it is certainly not clear what the resulting structure would look like as incorporating structure which would cause elongation into the Burgermeister stent would necessitate the changing of the stent structure which would invariably hamper the stents ability to act as Burgermeister teaches the stent needs to act. In any event, it is clear that the interconnection of the cylindrical rings and the arrangement of the 1st and 2nd peaks would not be the cause of any lengthening of the stent.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

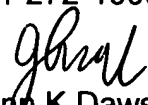
Art Unit: 3731

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn K. Dawson whose telephone number is 571-272-4694. The examiner can normally be reached on M-Th 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on 571-272-4963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Glenn K Dawson
Primary Examiner
Art Unit 3731

Gkd

Application/Control Number: 10/675,610

Page 5

Art Unit: 3731

23 February 2007